



## **Transcript of the Hearing of**

Date: **December 19, 2013**

Volume: **2**

Case: **DOCKET NO. 442**

Printed On: January 1, 2014

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STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Docket No. 442

New Cingular Wireless PCS, LLC, Application  
for a Certificate of Environmental  
Compatibility and Public Need for the  
Construction, Maintenance, and Operation of a  
Telecommunications Facility Located at 284  
New Canaan Avenue, Norwalk, Connecticut.

Public Hearing held at the Community  
Room, Norwalk Town Hall, 125 East Avenue,  
Norwalk, Connecticut, Thursday, December 19,  
2013, beginning at 7 p.m.

H e l d   B e f o r e :

ROBIN STEIN, Chairperson

<p style="text-align: right;">Page 115</p> <p>1     A p p e a r a n c e s:</p> <p>2         Siting Council Members:</p> <p>3             JAMES J. MURPHY, JR.,</p> <p>4             Vice Chairperson</p> <p>5             ROBERT HANNON, DEEP Designee</p> <p>6             SENATOR EILEEN DAILY</p> <p>7             PHILIP T. ASHTON</p> <p>8             DR. MICHAEL W. KLEMENS</p> <p>9             DR. BARBARA C. BELL</p> <p>10</p> <p>11         Siting Council Staff Members:</p> <p>12             MELANIE A. BACHMAN, ESQ.,</p> <p>13             Acting Executive Director,</p> <p>14             Staff Attorney</p> <p>15</p> <p>16             ROBERT D. MERCIER,</p> <p>17             Siting Analyst</p> <p>18</p> <p>19             AARON DEMAREST,</p> <p>20             Audio Technician</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 117</p> <p>1                     THE CHAIRPERSON: Good</p> <p>2     evening, ladies and gentlemen. I'd like to</p> <p>3     call to order this meeting of the Connecticut</p> <p>4     Siting Counsel today, Thursday, December 19,</p> <p>5     2013, at 7 p.m. My name is Robin Stein. I'm</p> <p>6     Chairman of the Connecticut Siting Council.</p> <p>7                     Other members of the Council</p> <p>8     present are Senator James Murphy, our Vice</p> <p>9     Chairman; Mr. Hannon, designee from the</p> <p>10    Department of Energy and Environmental</p> <p>11    Protection; Mr. Ashton; Dr. Klemens;</p> <p>12    Dr. Bell; Senator Daily. Members of the</p> <p>13    staff, Melanie Bachman, our Acting Executive</p> <p>14    Director Staff Attorney; and Robert Mercier,</p> <p>15    siting analyst; and Mr. DeMarest who's our</p> <p>16    sound specialist.</p> <p>17                     This is a continuation of a</p> <p>18    public hearing that began at 3 p.m. this</p> <p>19    afternoon. Copies of the hearing program and</p> <p>20    Council's Citizen Guide to Siting Council</p> <p>21    Procedures are available to members of the</p> <p>22    public. This hearing is held pursuant to the</p> <p>23    provisions of Title 16 of the Connecticut</p> <p>24    General Statutes of the Uniform</p> <p>25    Administrative Procedure Act. Upon an</p>
<p style="text-align: right;">Page 116</p> <p>1     A p p e a r a n c e s (Cont'd.):</p> <p>2         For the Applicant:</p> <p>3             CUDDY &amp; FEDER, LLP</p> <p>4             733 Summer Street</p> <p>5             Stamford, Connecticut 06901</p> <p>6             (203) 969-9060</p> <p>7             By: CHRISTOPHER B. FISHER, ESQ.</p> <p>8</p> <p>9         For the Intervenor, Cellco Partnership</p> <p>10         d/b/a Verizon Wireless:</p> <p>11             ROBINSON &amp; COLE, LLP</p> <p>12             280 Trumbull Street</p> <p>13             Hartford, Connecticut 06103</p> <p>14             By: KENNETH C. BALDWIN, ESQ.</p> <p>15</p> <p>16         Also Present:</p> <p>17             COMMISSIONER MICHAEL A. CARON,</p> <p>18             Public Utilities Regulatory</p> <p>19             Authority</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 118</p> <p>1     Application from New Cingular Wireless PCS,</p> <p>2     LLC, for a Certificate of Environmental</p> <p>3     Compatibility and Public Need for the</p> <p>4     Construction, Maintenance and Operations of a</p> <p>5     Telecommunications Facility Located at 284</p> <p>6     New Canaan Avenue, Norwalk, Connecticut.</p> <p>7                     The application was received</p> <p>8     by the Council on September 23rd of 2013.</p> <p>9     This application is also governed by the</p> <p>10    Telecommunications Act of 1996, which is</p> <p>11    administered by the Federal Communications</p> <p>12    Commission. This Act prohibits this Council</p> <p>13    from considering the health effects of radio</p> <p>14    frequency emissions on human health and</p> <p>15    wildlife to the extent the emissions from</p> <p>16    towers are within the federal acceptable safe</p> <p>17    living standards, which standard is also</p> <p>18    followed by the State Department of Public</p> <p>19    Health.</p> <p>20                     The Federal Act also prohibits</p> <p>21    this Council from discriminating amongst</p> <p>22    providers of functionally equivalent</p> <p>23    services. This means that if one carrier</p> <p>24    already provides service for an area, other</p> <p>25    carriers have the right to compete and</p>

1 provide service for the same area. The  
2 Applicant published notice of the filing of  
3 the application to the Council in The Hour on  
4 August 23rd of this year and August 30th of  
5 this year, and in the New Canaan Advertiser  
6 on August 22nd and August 29th of this year.

7 The Council's legal notice of  
8 the date and time of the hearing was  
9 published on The Hour on October 22nd and in  
10 the New Canaan Advertiser on October 24th,  
11 again in this year.

12 Upon this Council's request,  
13 the Applicant erected a sign at the proposed  
14 site so as to inform the public of the name  
15 of the applicant, type of facility, the  
16 hearing date, location and contact  
17 information for the Council.

18 This afternoon members of the  
19 Council staff and public personally conducted  
20 a field review of the proposed site in order  
21 to observe firsthand the potential effects of  
22 the proposal. This hearing session tonight  
23 has been reserved for the public to make  
24 short statements into the record. These  
25 public statements are not subject to

1 repetition. A verbatim transcript will be  
2 made of this hearing and deposited at the  
3 Norwalk city clerk's office and New Canaan  
4 town clerk's office for the convenience of  
5 the public.

6 Before calling on the -- if  
7 there are any members of the public who wish  
8 to speak, I'd request the Applicant to make a  
9 brief presentation to the public, and I think  
10 you got that set up.

11 MR. FISHER: Yes, thank you,  
12 Chairman.

13 On behalf of the Applicant,  
14 AT&T, I'm Attorney Chris Fisher. Just a  
15 quick presentation to orient you to the  
16 project. This is a coverage map of AT&T's  
17 exhibiting network in this particular area of  
18 both the City of Norwalk, the Town of New  
19 Canaan, and you also have the town of Wilton  
20 here towards the very north.

21 The proposed site is along the  
22 Merritt Parkway, and this is the actual  
23 symbol identifying the proposed site. There  
24 are existing sites, both in Norwalk and New  
25 Canaan that are existing or proposed or in

1 questions from the parties or the Council,  
2 and members of the public making statements  
3 may not ask questions of the parties or  
4 Council.

5 These statements will become  
6 part of the record for Council consideration.  
7 There's a sign-up sheet on the table in the  
8 back for those who wish to participate.

9 As a reminder to all, on the  
10 record, communication with a member of the  
11 Council or member of the Council's staff,  
12 upon the merits of this application, is  
13 prohibited by law.

14 I wish to note for those who  
15 are here and for the benefit of your friends  
16 and neighbors who may not be able to join us  
17 for the public comment session, then you or  
18 they may send in written statements to the  
19 Council within 30 days of today, and such  
20 written statements will be given the same  
21 weight as if spoke at the hearing.

22 Again, we ask each person  
23 making a public statement to confine his or  
24 her statements to the subject matter before  
25 the Council and to avoiding unreasonable

1 the process of construction. We talked about  
2 it in the afternoon session, one for example,  
3 being Silver Hill Hospital in New Canaan. So  
4 what you're shown on this particular map in  
5 green and yellow are areas where AT&T  
6 currently has reliable service. Areas in  
7 white are areas where they're not reliable.

8 There are, in addition to this  
9 site, additional proposed sites further to  
10 the north and east along the Merritt Parkway  
11 in the future and then also further north and  
12 towards Norwalk and the Town of New Canaan,  
13 which are shown on this particular map.

14 What you see here is how the  
15 site will fill in and provide some reliable  
16 service into areas that are currently not  
17 being provided that. The overall coverage  
18 objective in this particular instance is the  
19 Merritt Parkway and Route 123 and a number of  
20 the residences that are within both the  
21 Norwalk and New Canaan in proximity to that  
22 particular area of the state.

23 This is an aerial photograph  
24 showing you the existing facility. It's  
25 owned by the State of Connecticut. There are

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1 armory buildings there now. The proposed  
2 site is actually at the rear of the property  
3 if you're looking at it from State Route 123.  
4 This would be New Canaan. This would be  
5 Norwalk in this direction. This is 123 and  
6 this is the Merritt Parkway right here.  
7 Here are the existing on-site  
8 armory buildings. In the proposal is, at the  
9 very rear of the existing paved parking area,  
10 where there will be a tower compound  
11 facility, and I'll walk you through that as  
12 well.  
13 These are the -- essentially  
14 the engineering drawing with additional  
15 information that are filed with the Council.  
16 It just shows, in this particular instance,  
17 it's a little bit light in terms of the shade  
18 here. It shows you some of the residences  
19 that are in the actual area, and this is the  
20 Merritt Parkway again. The tower proposal is  
21 pretty central towards the rear of the  
22 property. This is the existing wooded  
23 buffer.  
24 Again, these are some of the  
25 site plan drawings. The proposal is right

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1 off the back of the parking lot. There's no  
2 new driveway being proposed. All existing  
3 access would be maintained the same. The  
4 compound itself is 50-by-80,  
5 50-feet-by-80-feet, a rectangle.  
6 There are two proposed tower  
7 facilities. They're both proposed as what  
8 are generally referred to as unipoles, but  
9 essentially what that means is they're a  
10 steel monopole with all of the antennas  
11 internal to the existing structure. This is  
12 just an elevation of the equipment shelter  
13 itself. I'm going to walk through the  
14 visuals to give you reference to what I was  
15 talking about in terms of the structures.  
16 That's generally what most focused folks,  
17 obviously, want to get a sense of, the  
18 aesthetics.  
19 In this particular instance,  
20 our consultants did a two-mile study area.  
21 And this proposal based on height above grade  
22 and also relative terrain in the area, the  
23 visibility is pretty much centralized around  
24 the site itself.  
25 These are some photo

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1 simulations that have been taken. There are  
2 two proposed structures that are principally  
3 being proposed as two to deal with  
4 collocation for the future. In this instance  
5 Verizon has proposed to use the structure, as  
6 well as AT&T, and they would be available for  
7 carriers like Sprint or T-Mobile, who we know  
8 have a need in the area as well.  
9 So these are some of the photo  
10 simulations. This, for example, is from the  
11 Merritt Parkway itself. In this particular  
12 photo you can only see one of the structures.  
13 This is 7 New Canaan Way, a little bit more  
14 distal view of the structure. Just to point  
15 it out, this is it right here in the actual  
16 photo simulation. This is 275 New Canaan  
17 Avenue right out at 123. This is one of the  
18 structures here.  
19 This is pretty much if you  
20 were looking directly at the building  
21 standing on Route 123 in the front yard of  
22 the armory site itself. To the rear of the  
23 parcel these are the two structures and what  
24 they would look like. A little bit different  
25 than a traditional monopole with the antennas

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1 internal.  
2 A similar shot here from 123.  
3 These are some of the existing views more  
4 from the New Canaan side of the municipal  
5 boundary. This is along Carter Street. This  
6 is essentially where there's a natural gas  
7 pipeline and a cut in the treeline that  
8 crosses Carter Street and actually crosses  
9 across the armory site. This is the  
10 structure here. These are the closest  
11 residences to the proposal.  
12 So that gives you an overview  
13 of the project, and I'll turn it back over to  
14 your Chairman.  
15 THE CHAIRPERSON: Thank you.  
16 The person -- and I apologize  
17 if I mispronounce your name, Patsy Bressier?  
18 I she here, or he here? Left?  
19 I don't have anybody else signed up.  
20 Why don't you come up and  
21 we'll -- why don't you come up and state your  
22 name and spell it, please so we can get it.  
23 CHERYL BRYANT: Okay. I'm  
24 Cheryl Bryant, C-h-e-r-y-l, B-r-y-a-n-t. And  
25 I live on Stoneleigh Road in New Canaan,

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1 which is right up the hill from the armory.  
2 And I know we're not supposed  
3 to talk about the health effects that the EPA  
4 has already alerted us about and are still  
5 doing research.  
6 And there is a tower going up,  
7 as you mentioned, and we knew about it -- and  
8 on Silver Hill, which we think will most  
9 likely cover the area down through the armory  
10 and probably beyond. And there have been  
11 studies that property values will go down  
12 upwards of 20 percent. About 15 to 20  
13 percent when the cell towers are put in  
14 place. And we have already seen house prices  
15 deflated since 2008.  
16 So I am against putting this  
17 tower here, since the Silver Hill Tower has  
18 already gone to contract and will be put up  
19 soon. And the western part of New Canaan  
20 already turned down a tower there. They did  
21 not want a tower there because of property  
22 values and the potential health effects.  
23 And I thank you for letting me  
24 speak, and I appreciate you spending your  
25 time to hear everybody. Thank you.

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1 THE CHAIRPERSON: Thank you.  
2 Is there anybody else who  
3 would like to speak? We don't have anybody  
4 else who signed up. So do we have any other  
5 people?  
6 Again would you give us your  
7 name and spell it, please?  
8 KEVIN MOYNIHAN: Good evening.  
9 Kevin Moynihan, K-e-v-i-n, M-o-y-n-i-h-a-n.  
10 I didn't really come to speak tonight. I'm a  
11 new member of the Town Council in New Canaan  
12 as of November. I'm on the committee that's  
13 overseeing utilities in New Canaan, and I  
14 just want to make a brief comment.  
15 The Town of New Canaan has  
16 identified solving the cell service coverage  
17 problem in New Canaan as a priority. We have  
18 less than -- about 25 percent of the area of  
19 New Canaan has cell service, and this step  
20 for a tower at the armory appears to be a  
21 step in that direction. We have a big debate  
22 going on in town whether we can solve the  
23 problem with DAS small antennas rather than  
24 tall towers, but I think I just want to  
25 emphasize that New Canaan, in particular, has

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1 a problem with getting cell service, and we  
2 need to solve the problem.  
3 Thank you.  
4 THE CHAIRPERSON: Thank you.  
5 Anybody else?  
6 (No response.)  
7 THE CHAIRPERSON: Okay.  
8 Before closing this hearing, the Siting  
9 Council announces that briefs and proposed  
10 findings of fact may be filed with the  
11 Council by any party or intervenor no later  
12 than January 21, 2014. Submission of briefs  
13 or proposed findings of fact are not required  
14 by the Council, rather we leave it to the  
15 choice of the parties/intervenors.  
16 Anyone who has not become a  
17 party or intervenor, but who desires to make  
18 his or her views known to the Council, may  
19 file written statements with the Council  
20 within 30 days of today. The Council will  
21 issue draft findings of fact, and thereafter,  
22 parties and intervenors may identify any  
23 errors or inconsistencies between the  
24 Council's draft findings of fact and the  
25 record, however no new information, no new

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1 evidence or argument will be considered by  
2 the Council.  
3 Again, copies of the  
4 transcript of this hearing and the hearing  
5 that was held this afternoon will be filed at  
6 the Norwalk city clerk's office and the New  
7 Canaan town clerk's office.  
8 And I hereby declare this  
9 hearing adjourned. Thank you all for your  
10 participation, and drive home safely.  
11 (Whereupon, the above  
12 proceedings were adjourned at 7:21 p.m.)  
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1 CERTIFICATE

2 I hereby certify that the foregoing 17  
3 pages are a complete and accurate  
4 computer-aided transcription of my original  
5 verbatim notes taken of the Public Hearing in  
6 Re: DOCKET NO. 442, NEW CINGULAR WIRELESS  
7 PCS, LLC, APPLICATION FOR A CERTIFICATE OF  
8 ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED  
9 FOR THE CONSTRUCTION, MAINTENANCE, AND  
10 OPERATION OF A TELECOMMUNICATIONS FACILITY  
11 LOCATED AT 284 NEW CANAAN AVENUE, NORWALK,  
12 CONNECTICUT, which was held before ROBIN  
13 STEIN, Chairperson, at the Community Room,  
14 Norwalk Town Hall, 125 East Avenue, Norwalk,  
15 Connecticut, at 7 p.m., on December 19, 2013.

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Robert G. Dixon, CVR-M 857  
Notary Public  
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